

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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KATELYN H.,

Plaintiff,

v.

1:22-CV-1350-ML

COMMISSIONER OF SOCIAL SECURITY  
ADMINISTRATION,

Defendant.

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APPEARANCES:

OF COUNSEL:

LACHMAN, GORTON LAW FIRM  
Counsel for the Plaintiff  
P.O. Box 89  
1500 East Main Street  
Endicott, New York 13761-0089

PETER A. GORTON, ESQ.

SOCIAL SECURITY ADMINISTRATION  
Counsel for the Defendant  
6401 Security Boulevard  
Baltimore, Maryland 21235

GEOFFREY M. PETERS, ESQ.  
Special Assistant United States  
Attorney

MIROSLAV LOVRIC, United States Magistrate Judge

**CONSENT ORDER TO REMAND PURSUANT  
TO SENTENCE 4 OF 42 U.S.C. § 405(g)**

This matter having been opened to the Court by CARLA B. FREEDMAN, United States Attorney for the Northern District of New York, and Geoffrey M. Peters, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to Sentence 4 of 42 U.S.C. § 405(g) so that further administrative action, including a hearing before an Administrative Law Judge and the issuance of a new decision, may be taken; on remand, the Appeals Council will not disturb the favorable

closed period and will remand for consideration of disability beginning June 16, 2021; and Plaintiff, through counsel Peter A. Gorton, having consented to the within order and the requested remand (Dkt. No. 12), and the Court having considered the matter,


IT IS on this 24<sup>th</sup> day of July, 2023,

**ORDERED** that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for this further administrative action; and it is further

**ORDERED** that the within matter, be and hereby is, DISMISSED in accord with the decision in *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); and it is further

**ORDERED** that nothing within this consent order shall be deemed to bar Plaintiff from seeking attorney's fees under the Equal Access to Justice Act (EAJA), 42 U.S.C. § 2412.

Dated: July 24, 2023  
Binghamton, New York

  
Miroslav Lovric  
U.S. Magistrate Judge